

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 19375 )  
of Jack Harris Huntley and Mildred )  
Pauline Huntley to Appropriate )  
from an Unnamed Spring in San Diego )  
County )

Decision D 1022

ADOPTED JUL 19 '61

DECISION APPROVING APPLICATION

Jack Harris Huntley and Mildred Pauline Huntley having filed Application 19375 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 19375 is for a permit to appropriate 200 gallons per day by direct diversion from January 1 to December 31 of each year for domestic use from an unnamed spring tributary to an unnamed stream, thence West Branch San Vicente Creek, in San Diego County. The point of diversion is to be located within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 35, T13S, R1W, SBB&M.

2. The protest of the City of San Diego is based on its pueblo right to the water of the San Diego River and its tributaries as established in City of San Diego v. Cuyamaca Water Company, 209 Cal. 105, 287 Pac. 475 (1930).

3. The applicants have developed most of the water in the source by excavating a shallow hole and driving some pipes into the side of a hill to collect water from what is probably seepage through a seam of fractured granite. Before the applicants developed the water at the source, all spring water had been consumed by vegetation within about 100 feet of the spring. The nearest natural watercourse is an intermittent stream about a quarter of a mile further down the hillside. There is no evidence that the flow from the spring ever reached said stream or San Vicente Creek.

4. The protestant City did not even know of the existence of the spring in question until the filing of this application. Although the City's representative could offer no evidence of any prejudice to the City by the applicants' project, he was not authorized to withdraw the City's protest.

5. There is unappropriated water available to supply the applicants, and subject to suitable conditions such water may be diverted and used in the manner proposed without causing injury to any lawful user of water.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19375 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 19375 and all relevant information on file therewith, particularly the report of the field investigation dated March 2, 1961; United States Geological Survey 7½-minute quadrangle sheet, "San Vicente Reservoir"; and U. S. Geological Survey Water Supply Paper 1423, "Phreatophytes".

IT IS HEREBY ORDERED that Application 19375 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 200 gallons per day for domestic use by direct diversion to be diverted between January 1 and December 31 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

Adopted as the decision and order of the State Water Rights Board  
at a meeting duly called and held at Sacramento, California, on the  
\_\_\_\_\_ day of \_\_\_\_\_, 1961

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Kent Silverthorne, Chairman

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Ralph J. McGill, Member

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W. A. Alexander, Member